

CARLIE CHRISTENSEN, United States Attorney (# 0633)
RICHARD D. MCKELVIE, Assistant United States Attorney (#2205)
Attorneys for the United States of America
185 South State Street, Suite 300
Salt Lake City, Utah 84111
Telephone: (801) 524-5682

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, : Case No. 2:09-cr-045 TS
Plaintiff, : POSITION OF UNITED STATES
vs. : ON DEFENDANT'S MOTION TO
DAVID A. LACY, : CONTINUE
Defendant. :

The United States, by and through the undersigned Assistant United States Attorney, files the following in response to defendant's motion to continue, and particularly to reasons given therefore:

The United States has no objection to defendant's motion to continue trial, currently set for November 15, 2010. Defendant correctly notes in his motion that the United States Attorney, who is co-counsel in this matter, has been summoned to Washington D.C. for a mandatory meeting of United States Attorneys the week of trial.

However, the United States feels it is important to clarify a statement in defendant's motion regarding the undersigned's teaching responsibilities at the University of Utah S.J. Quinney College of law, as follows:

The undersigned is an Adjunct Professor of Law, responsible for the Trial Advocacy course taught in the Spring Semester.

Other than administrative duties which can be conducted at any time, the undersigned's teaching responsibilities are limited to a one-hour lecture on Friday mornings between 9:10 and 10:05 a.m.

The undersigned can, and has on previous occasions, arranged for colleagues to deliver the Friday lecture in the event the undersigned is unavailable. In the past, the undersigned has also successfully petitioned the court for accommodation by beginning Friday court sessions at a later time.

The United States does not object either to defendant's motion to continue or his proposed trial date. However, the undersigned believes it is important to clarify to the court that his teaching obligations do not and will not interfere with this Court's interest in setting a timely trial date or the undersigned's ability to conduct business before the court.

DATED this 3rd day of November, 2010.

CARLIE CHRISTENSEN
United States Attorney

/s/ Richard D. McKelvie
RICHARD D. McKELVIE
Assistant United States Attorney